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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,232	03/20/2002	Guido Spix	22139	9655

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,232

Applicant(s)

SPIX ET AL.

Examiner

Ghassem Alie

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-- Th MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a step below a bearing of the drums, a main frame, and a secondary frame as set forth in claim 9 and a lifter for one of the feed roller as set forth in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. The drawings are objected to because the reference number 32 is not pointing out to any of the features in the Fig. 3.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 26 and 27 in Fig. 3.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

5. The specification is objected to because of the following informalities: on page 4, line 20 of the specification, "blades 7 and 8" should be --blades 6 and 7--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 12, "wherein all wide additional machine elements, in particular gears of the blade drums and a lifter for one of the feed rollers" is not clear. It is not clear what wide additional machine elements means and what encompass the wide additional machine elements.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kranz (3,720,126) in view of Rommel (4,881,436). Regarding claim 7, Kranz teaches a machine 1 for crosscutting material web including a machine frame 2 having a pair of side walls 4, 5 and traverses which are transversely interconnecting the side walls 4, 5. The traverses are defined by bar-shipped crosses on both sides of the base, which connect the sidewalls 4, 5 together. Kranz also teaches a blade drum 6 and a back up cylinder 26, which are journaled at their axial ends in the sidewalls 4, 5. Kranz also teaches that the sidewalls 4, 5 and the machine frame 2 are each formed of side parts 24, 25. The draw sections 24, 25 of the respective said walls 4, 5 are tight together by the screws 23. Kranz does not explicitly set forth that the parts 24, 25 are separated, but it is obvious to a person of ordinary skill in the

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art that the sections 24, 25 are separated in order to disassemble and assemble the rollers 6 and 26. Kranz also teaches that the side parts 24, 25 each having one longitudinal side formed unitarily by casting with at least one of the traverses. The side part 25 of each sidewall 4, 5 has a longitudinal side formed unitarily by casting with the traverses of the base frame. See Fig. 1 and col. 1, lines 57-68 and col. 2, lines 1-59 in Kranz. Kranz does not teach two blade drums for cutting cardboards. However, the use of two co-operating cutter drums for transverse cut on cardboards is well known in the art such as taught by Rommel. Rommel teaches two co-operating cutter drums 14, 15 for cutting sheet materials 20. See Figs. 1 and 2 and col. 3, lines 30-61 in Rommel. It would have been obvious to a person of ordinary skill in the art to replace the blade and back up cutter of Kranz's cutting device with the two blade drums as taught by Rommel in order to perform a clean transverse cut on cardboards or the like with high accuracy.

Regarding claim 8, Kranz as modified by Rommel teaches everything noted above including that each side walls 4, 5 are formed of two side parts 24, 25 and a separation line between two side parts 24, 25 which extends on each longitudinal side through rotation axes of the drum blades 14, 15 as taught by Rommel. See Fig. 1 in Kranz and Rommel.

Regarding claim 9, Kranz as modified by Rommel teaches everything noted above including that the machine frame 2 is formed of a main frame part that has a step below a bearing of the drums 14, 15 (as taught by Rommel) and a secondary frame part 25 set on this step. The mainframe part is defined by the base and side frame 24 of the frame 2. The main frame has a step defined by the base of the frame 2. The step is located below a bearing of

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the drums 14, 15 (as taught by Rommel) and the secondary frame part defined by the upper section 24 of the sidewalls 4, 5. See Fig. 1 in Kranz and Rommel.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kranz in view Rommel, as applied in claim 7, and in further view of Clarke et al. (3,119,339), hereinafter Clarke. Kranz as modified by Rommel teaches everything noted above except a cast bearing races for holding the bearing in which the blade drums are journaled. However, the use of cast bearing races for holding bearing is well known in the art such as taught by Clarke. Clarke teaches a casting bearing black 22, which holds the race bearing 24,43 of the shafts 29,34. See Figs. 1 and 2 and col. 2, lines 26-60 in Clarke. It would have been obvious to a person of ordinary skill in the art to provide Kranz's cutting device as modified by Rommel with cast bearing races as taught by Clarke in order to hold the bearing rigidly and prevent bearings vibrations.

11. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kranz in view Rommel, as applied in claim 7, and in further view of Kakko-Chiloff (5,058,472). Regarding claim 11, Kranz as modified by Rommel teaches everything noted above except a web feed rollers having two pinch rollers, which are positioned upstream in the web-travel direction from the blade drums in the machine frame. Kakko-Chiloff teaches a web feed rollers having two pinch rollers 21, 22, which are positioned upstream in the web-travel direction A from the blade drums 4, 5 in the machine frame 1. See Fig. 1 in Kakko-chiloff. It would have been obvious to a person of ordinary skill in the art to provide Kranz's cutting device as modified by Rommel with a pinch roller feeder as taught by Kakko-chiloff in order to facilitate the feeding of the web material into the spaced between the blade drums.

Regarding claim 12, as best understood, Kranz as modified above teaches everything noted above including that the blade drums and a lifter 19 for one of the feed rollers 21, 22 (as taught by Kakko-chiloff) are mounted outside of the side walls 4, 5. See Fig. 1 in Kranz and Kakko-chiloff.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gressman (4,009,626), Keeny (5,713,256), and Nuttin (4,805,501) teach a machine for crosscutting material webs having two blade drums and a web feeder.

Frogash et al. (5,313,864), Stato et al. (5,207,138), Cottrell (391,949), Yokoro et al. (6,370,998), Hallden (3,570,348), Maier (1,318,892), Yamazaki (5,873,293), and Bolton (4,428,265) teach a machine for crosscutting material webs including two blade drums and a frame having side walls and side parts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications.

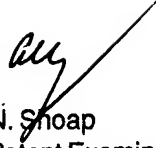
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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GA/ga  
September 23, 2003

  
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